



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



PLAN AMENDMENT REPORT

Meeting Date: June 18, 2012

Reference Name	Del Webb Duraleigh Arbors (A1100012)		Jurisdiction	City
Applicant	Horvath Associates, PA			
Request Change in Comprehensive Plan Designation	From:	Low-Medium Density Residential (4-8 DU/Ac.)		
	To:	Low Density Residential (4 DU/Ac. or Less)		
Site Characteristics	Tier:	Suburban		
	Present Use:	Single-family residential, forestry, agricultural		
	Present Zoning:	Planned Development Residential 4.000 (PDR 4.000) and Residential Rural (RR)		
	Overlays:	N/A		
	Size:	196.85 acres (excludes Recreation and Open Space (ROS) land)		
Location	West of Andrews Chapel Road, north of US Highway 70 and south of Leesville Road			
PIN(s)	0769-03-03-9331 (partial); 0769-03-04-2604 (partial); 0769-03-14-4892 (partial) 0769-03-24-8486 (partial); 0769-03-33-2232 (partial); 0769-03-35-7254 (partial); 0769-03-41-3854; -4887; -6932; -8938; 0769-03-42-9042; 0769-04-42-5588; 0769-04-52-0289; -7602 (partial)			
Recommendations	Staff	Approval, based on the justification and the request meeting the four criteria for plan amendments.		
	Planning Commission	Approval, May 15, 2012, 11-0, based on information provided in the staff report, the justification, and meeting the four criteria for plan amendments.		

A. Summary

The proposed plan amendment would change the Future Land Use Map designation from Low-Medium Density Residential (4-8 DU/Ac.) to Low Density Residential (4 DU/Ac. or Less) for 14 parcels, seven of which only include portions

of the parcel. The total land area to be affected is 196.85 acres; this does not include the Recreation and Open Space (ROS) designated land on these parcels. The site is located in eastern Durham County, west of Andrews Chapel Road, north of US Highway 70, and south of Leesville Road. There is an associated zoning map change request (Z1100026, Del Webb Duraleigh Arbors) that encompasses this site.

B. Site History

The Future Land Use Map of the *Southeast Durham Plan* (1998) identifies the subject site as Medium Density Residential (4-8 DU/Ac.).

In August 2011, the City Council approved a request to rezone a portion of the project to PDR 4.000. An associated Plan Amendment was initially requested for the area just north of the proposed site that would amend the Future Land Use Map from Low Density Residential (4 DU/Ac. or less) to Low-Medium Density Residential (4-8 DU/Ac.); however, this request was withdrawn at Planning Commission when the applicant committed to a density of 4.000, thus negating the need for a Plan Amendment at that time.

C. Existing Site Characteristics

The site of the proposed Plan Amendment consists of agricultural/forestry uses with a limited number of single-family residences. The Plan Amendment applies to only a portion of the area identified for the associated Zoning Map Change (Z1100026, Del Webb Duraleigh Arbors). The site is impacted by streams and stream buffers, floodway fringe, and steep slopes. There are two existing farm ponds and a power utility easement that transects the site. Transit service does not extend to the site, nor is there an existing sidewalk network. Please refer to Attachment 3 for aerial imagery of the site.

D. Applicant's Plan Amendment Justification

In a statement provided by Horvath Associates, PA, several arguments are presented as to why the proposed Plan Amendment request is justified. First, the applicant claims, "The proposed use is more compatible with the surrounding future land use patterns." Second, that with the high number of "streams, wetlands, and steep slopes on site ... the proposed designation with fewer units per acre, allows the land use to better mimic the site's environmental conditions." Finally, the applicant contends that Low Density Residential creates a "transition between the future higher density residential and commercial developments to the south and lower density residential developments to the north." Refer to Attachment 4 for the complete justification statement provided by Horvath Associates, PA.

Staff Response: The applicant identifies several reasons to justify the Future Land Use Map change, the most compelling of which is that environmental conditions on site make the proposed use (with less potential density) more appropriate. While Staff acknowledges that the design of the site, and not strictly density, determines the effect on environmental features, Staff concludes that amending the Future Land Use Map is justified. A further examination of the request according to the four criteria for plan amendments follows.

E. Criteria for Plan Amendments

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan*. (See Section 3.4.7, Criteria for Planning Commission Recommendations). The proposed plan amendment has been evaluated against these criteria.

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

1. Plan Consistency

The *Durham Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. The Plan addresses a range of topics related to land use, housing, community character, environment and conservation, transportation, and more. Evaluating the proposed plan amendment for consistency with these relevant policies is crucial in determining if amending the Future Land Use Map is appropriate.

Land Use

Durham Comprehensive Plan Policy 2.2.2b., Demand for Residential Land, indicates that in designating land for residential uses and evaluating Plan Amendments, the Governing Boards and City-County Planning Department shall consider the demand for residential land and the capacity of the transportation, water, and sewer systems, and other public facilities and services.

Analysis: By 2035 there will be demand for 167,000 dwelling units county-wide. On the Future Land Use Map, enough land is designated to accommodate 210,000 dwelling units, meaning there is a surplus of land already designated for residential uses. Therefore, decreasing the allowable density to four dwelling units per acre or less on 196.85 acres does not diminish Durham's ability to provide adequate housing in the future.

Durham Comprehensive Plan Policy 2.3.2c., Suburban Tier Residential Density, indicates that residential development in the Suburban Tier should achieve a range of densities defined in Table 2-1 of the *Durham Comprehensive Plan*.

Analysis: The proposed Low Density Residential land use, defined as four dwelling units per acre or less, fits within the parameters of this policy.

Transportation

Durham Comprehensive Plan Policy 8.1.2a., Transportation Level of Service Standards (LOS), indicates that the LOS for roads within the Suburban Tier shall achieve a minimum of LOS D.

Analysis: The major roads impacted by the proposed change in future land use are Leesville Road to the north and US Highway 70 to the south. Leesville Road is currently a two-lane roadway without left-hand turn lanes designed to accommodate 11,700 average daily trips (ADT), and according to the most recent traffic volume count (2009) there were 4,400 annual average daily trips (AADT) (38% of capacity). US Highway 70 is designed to accommodate 35,700 ADT, and the most recent traffic volume counts (2009) reported 27,000 AADT (76% of capacity). A detailed assessment of traffic impacts is included in the zoning map change staff report, and demonstrates that a Low Density Residential use at this site would not cause the Level of Service on either Leesville Road or US Highway 70 to fall below Level of Service Standards indicated by this policy.

Conservation and Environment

Durham Comprehensive Plan Policy 7.1.7a., Water Demand Generation Rates, indicates the City-County Planning Department shall consider the impact of proposed zoning and plan amendment changes on water demand.

Analysis: Development allowed under the proposed plan amendment is estimated to generate a maximum demand for water of 86,570 gallons per day (GPD). This represents a decrease of water demanded by approximately half

from what development with the adopted Low-Medium Density Residential (4-8 DU/Ac.) land use designation would allow. Durham has sufficient capacity in water supply to accommodate the change of designation.

Water Supply Impacts	
Current Water Supply Capacity	37.00 MGD
Present Usage	27.69 MGD
Committed to Date (July 2008 – June 2011)	0.69 MGD
Available Capacity	8.62 MGD
Maximum Water Demand Under Adopted Low Medium Use ¹	173,250 gallons/day
Maximum Water Demand Under Proposed Low Density Use ²	86,570 gallons/day
Impact of Proposed Plan Amendment	-86,680 gallons/day
Notes: MGD = Million gallons per day	
¹ Maximum water demand of the adopted Future Land Use (LMD: 1,575 Townhome Units)	
² Maximum water demand of the proposed Future Land Use (LDR: 787 Townhome Units)	

Staff Conclusion: The proposed amendment represents a decrease in the planned intensity of development. As a result, the projected impacts to infrastructure are not as great and there is sufficient capacity pending roadway improvements, annexation, and a utility extension agreement with the City of Durham. The amendment maintains the established land use pattern, where commercial and higher density residential uses are concentrated along or close to US Highway 70 and then transition into areas of lower residential densities. The proposed amendment still allows for Durham to provide sufficient housing opportunities in the future. The request is consistent with the intent of the goals, objectives, policies, guiding principles and programs of adopted plans and, therefore, meets criterion 3.4.7.A.

2. Compatibility

The project site is in southeastern Durham County, north of US Highway 70, south of Leesville Road, and west of Andrews Chapel Road. It lies near Durham County's boundary with the City of Raleigh and Wake County. Across the County line in Raleigh is an area known as Brier Creek, where there are a number of higher density residential areas, in combination with retail and offices. The Raleigh-Durham International Airport is also located south of US Highway 70 and east of Interstate 540.

Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Forestry, Agriculture, Single-family residential	Low Density Residential
East	Rural residential, Forestry, Agriculture, School	Low Density Residential
South	Agriculture, Forestry, Multi-family residential, Retail	Low-Medium Density Residential, Commercial, City of Raleigh
West	Forestry, Agriculture, Industrial	Low-Medium Density Residential

Existing Uses: The site of the proposed plan amendment is currently bordered to the north by land used for forestry and a large lot single-family residential subdivision. Properties to the north of the site are included as part of the zoning request associated with this Plan Amendment, and have previously been approved for PDR 4.000. East of the site is land predominantly used for forestry and agriculture; however, a private school also owns property to the east of the site. South of the site, land is primarily forestry and agriculture in Durham County. However, the land use pattern changes to higher density multi-family and office/retail uses in the City of Raleigh in the Brier Creek area. To the west of the site is property currently used for forestry and agriculture; however, bordering US Highway 70, there are a number of commercial and industrial uses.

Future Land Use Designations: According to the adopted Future Land Use Map, parcels north and east of the site are expected to develop as Low Density Residential at four dwelling units per acre or less. Areas south and east of the site are designated for Low-Medium Density Residential (4-8 DU/Ac.), with some Commercial designated along US Highway 70. Further south, the City of Raleigh's Future Land Use Map envisions mixed use office and residential along US Highway 70, and areas of Moderate Density Residential (6-14 DU/Ac.) north of US Highway 70 approaching the Durham County line.

Analysis: While the area surrounding the proposed Del Webb Duraleigh Arbors Plan Amendment has remained largely rural due to lack of utilities, development across the Durham County line in Raleigh has expanded significantly in recent decades. Durham's adopted Future Land Use Map anticipates a fairly substantial change in development pattern for the area north of US Highway 70: from agriculture and forestry, with limited amounts of rural residential, to suburban style growth at densities varying between Low (fewer than four units per acre) and Low-Medium (4-8 units per acre). The

proposed Plan Amendment is not out of character with the adopted future land use pattern, nor with the recent patterns of development in the area.

Staff Conclusion: The proposed plan amendment is compatible with the existing land use trends and designated future land uses in the area and, therefore, meets criterion 3.4.7.B.

3. Adverse Impacts

Though the site is located outside of a protected watershed overlay, there are a number of streams, stream buffers and steep slopes on site. Stormwater that is not captured on-site will drain to Brier Creek, which flows into Crabtree Creek and eventually to the Neuse River. There is no reason to believe the site could not be developed in accordance with the standards found in the UDO. Decreasing allowable density on-site could reduce environmental impact; however, site design is a better indication of how development will impact environmental features.

Staff Conclusion: The proposed plan amendment would not create substantial adverse impact in the adjacent area or in the City or County in general and, therefore, meets criterion 3.4.7.C.

4. Adequate Shape and Size

The area requested for amendment is approximately 196.85 acres and is of sufficient shape and size for residential development in the Suburban Tier.

Staff Conclusion: The site is of adequate shape and size to accommodate the use pursuant to the proposed change and, therefore, meets criterion 3.4.7.D.

F. Notification

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Olive Branch Road Association
- Inter-Neighborhood Council
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress
- RDU HZO Permit Area

G. Recommendations

Staff recommends approval, based on the justification and the request meeting the four criteria for plan amendments.

Planning Commission recommended approval at its May 15, 2012 meeting, 11-0, based on information provided in the staff report, the applicant's justification, and meeting the four criteria for plan amendments.

H. Staff Contact

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I. Attachments

Attachment 1, Map of Proposed Change

Attachment 2, Context Map

Attachment 3, Aerial Photograph

Attachment 4, Applicant's Plan Amendment Justification

Attachment 5, Planning Commission Written Comments

Attachment 6, Resolution